

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Fig & Olive Fifth Avenue LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 74-3218284

4. Debtor's address Principal place of business

10 E. 52nd Street
New York, NY 10022

Number, Street, City, State & ZIP Code

New York
County

Mailing address, if different from principal place of business

254 West 31st Street 7th Floor
New York, NY 10001

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor Fig & Olive Fifth Avenue LLC
Name

Case number (if known) _____

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.7225

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply.

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No
- ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	<u>See Attachment</u>	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **Fig & Olive Fifth Avenue LLC**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☒ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☒ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☒ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Fig & Olive Fifth Avenue LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 3, 2020
MM / DD / YYYY

X /s/ Alexis Blair

Signature of authorized representative of debtor

Alexis Blair

Printed name

Title CEO

18. Signature of attorney

X /s/ Robert L. Rattet

Signature of attorney for debtor

Date July 3, 2020

MM / DD / YYYY

Robert L. Rattet

Printed name

Davidoff Hatcher & Citron LLP

Firm name

605 Third Avenue

34th Floor

New York, NY 10158

Number, Street, City, State & ZIP Code

Contact phone 212 557 7200

Email address rlr@dhclegal.com

1674118 NY

Bar number and State

Debtor **Fig & Olive Fifth Avenue LLC**
Name

Case number (if known)

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

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FORM 201. VOLUNTARY PETITION

Pending Bankruptcy Cases Attachment

Debtor **F&O Scarsdale LLC**

Relationship to you

District **SDNY**

When

Case number, if known

Debtor **See attached**

Relationship to you

District

When

Case number, if known

Affiliate

20-22808

SCHEDULE OF CASES BEING FILED BY DEBTOR AND AFFILIATES:

F&O SCARSDALE LLC

LUXURY DINING GROUP LLC

FIG & OLIVE HOLDING LLC

FIG & OLIVE USA INC.

F&O LEXINGTON LLC

FIG & OLIVE THIRTEEN STREET LLC

FIG & OLIVE FIFTH AVENUE LLC

F&O HOUSTON LLC

F&O NEWPORT BEACH LLC

F&O MELROSE PLACE INC.

F&O LOS ANGELES INC.

Fill in this information to identify the case:

Debtor name Fig & Olive Fifth Avenue LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 3, 2020

X /s/ Alexis Blair

Signature of individual signing on behalf of debtor

Alexis Blair

Printed name

CEO

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **Fig & Olive Fifth Avenue LLC**
United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**
Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders 12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
A&L Recycling 38-40 Review Ave. Long Island City, NY 11101						\$1,034.32
Action Carting PO Box 554744 Detroit, MI 48255						\$17.42
AT&T Mobility PO Box 5019 Carol Stream, IL 60197						\$481.00
Autotap Corp. 958 Grand Street Brooklyn, NY 11211						\$548.19
Baldor PO Box 5411 New York, NY 10087						\$159.80
Broadway Party Rentals PO Box 370411 Brooklyn, NY 11237						\$1,091.59
Digital Marketing Box US Inc. 9205 W. Russell Rd Las Vegas, NV 89148						\$254.16
Ecolab PO Box 32027 New York, NY 10087						\$1,708.91
Ecolab Pest Elimination 26252 Network Pl Chicago, IL 60673						\$563.43
Global Luxury Services, Inc. 65-39 Grand Ave. Maspeth, NY 11378						\$1,810.62

Debtor **Fig & Olive Fifth Avenue LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Gourmet Cargo LLC 642 Fayette Ave. Mamaroneck, NY 10543						\$378.00
I. Halper Paper & Supplies 51 Hook Rd. Bayonne, NJ 07002						\$984.02
JCC Restaurant Supplies NYC Inc. 354-A Broome Street New York, NY 10013						\$122.97
Lighttower Fiber Networks PO Box 27135 New York, NY 10087						\$2,500.00
Millpress Imports LLC 2146 City Line Rd Bethlehem, PA 18017						\$2,426.35
Olympic Tower Associates 645 Fifth Avenue New York, NY 10022		Rent	Unliquidated Disputed			\$175,808.22
Queens Window Cleaning LI Inc. PO Box 1131 Melville, NY 11747						\$43.55
Shiny Kitchen Inc. PO Box 347910 Pittsburgh, PA 15251						\$435.50
TD Bank Attn: General Counsel 1701 Marlton Pike East, Ste. 200 Cherry Hill, NJ 08003		Standby Letter of Creditor in favor of landlord	Contingent			\$250,000.00
Wilson Daniels Wholesale LLC 19 West 24th Street 7th Floor New York, NY 10010			Unliquidated			\$34.00

United States Bankruptcy Court
Southern District of New York

In re **Fig & Olive Fifth Avenue LLC**

Debtor(s)

Case No.
Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Ed Somekh 16 Crosby St. Apt. 4RN New York, NY 10013		6.36%	Membership
Fig & Olive USA Inc.		87.29%	Membership
Yoram Shemesh 110 Quayside Dr Jupiter, FL 33477		6.36%	Membership

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **CEO** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **July 3, 2020**

Signature /s/ Alexis Blair
Alexis Blair

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

United States Bankruptcy Court
Southern District of New York

In re Fig & Olive Fifth Avenue LLC

Debtor(s)

Case No.

Chapter 11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Fig & Olive Fifth Avenue LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1: **Fig & Olive USA Inc.**

☐ None [*Check if applicable*]

July 3, 2020

Date

/s/ Robert L. Rattet

Robert L. Rattet

Signature of Attorney or Litigant

Counsel for Fig & Olive Fifth Avenue LLC

Davidoff Hutcher & Citron LLP

605 Third Avenue

34th Floor

New York, NY 10158

212 557 7200 Fax: 212 286 1884

rlr@dhclegal.com

**RESOLUTION OF THE MEMBERS of
Fig & Olive Fifth Avenue LLC**

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION F&O FIFTH AVENUE LLC

I, **Alexis Blair** declare under penalty of perjury that I am the **CEO of F&O Fifth Avenue LLC** and that the following is a true and correct copy of the resolutions adopted by the Board of Managers of said Company at a special meeting duly called and held on the 2 day of July, 2020.

"Whereas, it is in the best interest of this Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Alexis Blair**, CEO of this Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the Company; and

Be It Further Resolved, that **Alexis Blair**, CEO of this Company is authorized and directed to appear in all bankruptcy proceedings on behalf of the Company, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Company in connection with such bankruptcy case, and

Be It Further Resolved, that **Alexis Blair**, CEO of this Company is authorized and directed to employ **Robert L. Rattet**, attorney and the law firm of **Davidoff Hatcher & Citron LLP** to represent the Company in such bankruptcy case."

Date

7/2/20

Signed



**United States Bankruptcy Court
Southern District of New York**

In re Fig & Olive Fifth Avenue LLC

Debtor(s)

Case No.
Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the CEO of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: July 3, 2020

/s/ Alexis Blair

Alexis Blair/CEO
Signer/Title

A&L Recycling
38-40 Review Ave.
Long Island City, NY 11101

Daniel Hurtado
c/o Lee Litigation Group, PLLC
124 West 24th St., 8th Floor
Attn: C.K. Lee, Esq.
New York, NY 10011

Jose Ricardo Lopez
c/o Lee Litigation Group
124 West 24th St., 8th Fl
Attn: C.K. Lee, Esq.
New York, NY 10011

Action Carting
PO Box 554744
Detroit, MI 48255

Digital Marketing Box US Inc.
9205 W. Russell Rd
Las Vegas, NV 89148

Lighttower Fiber Networks
PO Box 27135
New York, NY 10087

Alberto Montalvo
c/o Lee Litigation Group, PLLC
124 West 24th St., 8th Floor
Attn: C.K. Lee, Esq.
New York, NY 10011

Ecolab
PO Box 32027
New York, NY 10087

Mario Vargas
c/o Lee Litigation Group
124 West 24th St., 8th Fl
Attn: C.K. Lee, Esq.
New York, NY 10011

American Express Bank FSB
4315 South 2700 West
Salt Lake City, UT 84184

Ecolab Pest Elimination
26252 Network Pl
Chicago, IL 60673

Mauricio Santos
c/o Lee Litigation Group
124 West 24th St., 8th Fl
Attn: C.K. Lee, Esq.
New York, NY 10011

AT&T Mobility
PO Box 5019
Carol Stream, IL 60197

Fredy Ramirez
c/o Lee Litigation Group, PLLC
124 West 24th St., 8th Floor
Attn: C.K. Lee, Esq.
New York, NY 10011

Millpress Imports LLC
2146 City Line Rd
Bethlehem, PA 18017

Autotap Corp.
958 Grand Street
Brooklyn, NY 11211

Global Luxury Services, Inc.
65-39 Grand Ave.
Maspeth, NY 11378

NYC Dept. of Finance
59 Maiden Lane, 19th Fl.
New York, NY 10038

Baldor
PO Box 5411
New York, NY 10087

Gourmet Cargo LLC
642 Fayette Ave.
Mamaroneck, NY 10543

NYC Law Department
100 Church Street
New York, NY 10007

Broadway Party Rentals
PO Box 370411
Brooklyn, NY 11237

I. Halper Paper & Supplies
51 Hook Rd.
Bayonne, NJ 07002

NYS Dept. of Taxation & F
Attn: Office of Counsel, B
W.A. Harriman State Campu
Albany, NY 12227

Con Edison
JAF Station
P.O. Box 1702
New York, NY 10116-1702

Internal Revenue Service
Centralized Insolvency Opetio
P.O. Box 7346
Philadelphia, PA 19101-7346

Office of the U.S. Trust
281 Varick Street, Room 1
New York, NY 10014

Queens Window Cleaning LI Inc.
PO Box 1131
Melville, NY 11747

Shiny Kitchen Inc.
PO Box 347910
Pittsburgh, PA 15251

TD Bank
Attn: General Counsel
1701 Marlton Pike East, Ste. 200
Cherry Hill, NJ 08003

Victor Hugo Serrano
c/o Lee Litigation Group, PLLC
124 West 24th St., 8th Floor
Attn: C.K. Lee, Esq.
New York, NY 10011

Wilson Daniels Wholesale LLC
19 West 24th Street
7th Floor
New York, NY 10010